

Remarks

Applicant respectfully requests entry of the amendment to independent claim 1. The amendment presents independent claim 1 in better form for consideration on appeal by correcting the inadvertent removal of the phrase "the same screen" after the second limitation that begins with "displaying the series title and episode descriptions within."

Regarding the rejections set forth by the Examiner, the rejections under 35 U.S.C. § 112, first paragraph to dependent claim 41 and the rejections to dependent claims 40 and 50 are clearly erroneous. Applicant has included the following remarks to address the clearly erroneous issues in advance of filing a Notice of Appeal and a Pre-Appeal Brief. The Examiner is respectfully requested to consider the remarks and to withdraw the corresponding rejections. The remaining rejections are believed to be traversed for the reasons set forth in the previous response and are not repeated here in order to limit the issues for further consideration.

Rejections Under 35 U.S.C. § 112, First Paragraph

Dependent claims 41 and 48 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to reasonably convey to one skilled in the art possession of the claimed invention. This rejection only applies to dependent claim 41 if the proposed cancellation of claim 48 is entered.

Dependent claim 41 claims an invention where preview images are displayed for selected episode titles. Applicant submits Figure 4 and paragraph 52 of the published application support the claimed invention. Paragraph 52 describes a window 190 having a display portion 204. A static image of a selected episode 192 is shown within the display portion 204. The displayed image can be helpful to a subscriber in deciding whether to view an episode on-demand. The displayed image may be selected to identify the corresponding series with some known entity or personality.

Applicant points out that while the image may be used to identify the related series, the image, as clearly recited in the first sentence of paragraph 52, is an image from "the selected episode." While the image may provide other benefits, i.e., referencing the related series, it is selected from one of the episodes so that it can be helpful to the subscriber when deciding whether to view the selected episode on-demand. As such, Applicant submits the originally filed application does reasonably convey possession of the claimed invention to one having ordinary skill in the art.

Rejections To Dependent Claims 40 and 50

Dependent claims 40 and 50 stand rejected on alternative basis, namely dependent claim 40 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the LaJoie patent in view of the Russ application and dependent claim 50 is rejected under 35 U.S.C. § 102(b) as being anticipated by the LaJoie patent. The Examiner, however, relies upon the LaJoie patent in rejecting the similar limitations of dependent claims 40 and 50. Applicant submits that the LaJoie patent fails to properly support the Examiner's rejection.

In order to properly reject dependent claims 40 and 50, the LaJoie patent must suggest displaying a preview image for a highlighted one of the episode titles where the preview image provides at least one static image from at least one scene of the highlighted episode title. The LaJoie patent fails to disclose relating a preview image to a highlighted episode title.

As shown in Figure 20 of the LaJoie patent, a window 340 displays a reduced size image of the normal television display so that the program being viewed prior to entering the program guide may continue to be viewed while in the guide. (See column 23, lines 55-60). Optionally, the other content shown within the guide may be changed to match the images showing in the program viewing window 340. For example, the default theme or program highlighted when the user enters theme mode display 420 may correspond to the program being viewed in program viewing window 340. (See column 26, lines 64-67).

The LaJoie patent only discloses displaying the currently tuned to channel within a portion of a program guide and relate the other information shown in the guide to the tuned to channel. The LaJoie patent fails to suggest displaying a static image within the window 340, let alone a static image selected from a scene from a highlighted one of a number of episode titles. As such, Applicant submits the LaJoie patent and the Russ application fail to suggest the limitations required to properly reject dependent claims 40 and 50.

Conclusion

In view of the foregoing, Applicant submits that the clearly erroneous error set forth by the Examiner have been fully replied to and traversed. The Examiner is respectfully requested to consider these remarks and to enter the noted amendments.

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Respectfully submitted,
Ty O. Ahmad-Taylor

By /John R. Buser/
John R. Buser
Reg. No. 51,517
Attorney/Agent for Applicant

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351